

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 31-51, 53-79, and 81-88 are pending, with claims 31, 47, 62, 69, and 76 being the independent claims. Based on the foregoing Amendments and the following Remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Interview Summary

The undersigned appreciates the time and attention extended by Examiner Jakovac during the telephonic interview conducted on August 26, 2009. During the interview, the participants discussed U.S. Patent Application Publication No. 2005/0198158 to Fabre et al. ("*Fabre*") and International Patent Publication WO 01/10090 to Tomkow ("*Tomkow*").

The Invention of the Present Application is Defined in the Claims

The Applicant notes that the Examiner's characterization of the invention in the present Office Action under the heading "Examiner's Notes" describes certain aspects of an embodiment of the invention. The Applicant, however, asserts that the invention of the present application is defined in the claims and not by the Examiner's summarized characterization of an embodiment disclosed in the specification.

The Claims are Allowable over Fabre in view of Tomkow

Claims 31-51, 53-79, and 81-84 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fabre* in view of *Tomkow*. The Applicant respectfully submits that the independent claims and, thus, the claims that depend therefrom, are patentable over *Fabre* in view of *Tomkow*.

As discussed during the interview, *Fabre* discloses a system and method related to tracking electronic mail messages between two parties. The system and method of *Fabre* utilizes

a REPLY-TO field of electronic mail messages to route those communications through an electronic mail tracking system. The electronic mail tracking system receives an electronic mail message from a first party, stores tracking information related to that electronic mail message, changes the REPLY-TO field of that electronic mail message to refer to the electronic mail tracking system rather than the first party, and forwards that electronic mail message to a second party. Because the REPLY-TO field refers to the electronic mail tracking system rather than the first party, a reply from the second party to the first party is routed through the electronic mail tracking system and forwarded to the first party in a manner similar to as described above.

Also as discussed during the interview, *Tomkow* discloses a system and method for secure and tamper-proof documentation of the content and delivery of an electronic message, such as an e-mail. *Tomkow* discloses:

Having determined that the e-mail is unaltered, the operators of the system can warrant that:

- (1) the e-mail was received by the system at a certain time;
- (2) the e-mail purported to arrive at the system via a certain Internet route;
- (3) **the e-mail purported to be from a certain sender;** and
- (4) the e-mail and its attachments were delivered with the specific content they currently contain. *Tomkow*, p. 42, ll. 6-12 (emphasis added).

Thus, the system and method disclosed in *Tomkow* merely warrant or assert that an electronic message has not been altered after passing through such a system. Further, the system and method disclosed in *Tomkow* are stateless. For example:

... RPost can authenticate the information contained in these messages any time they are presented to RPost for this purpose, in the manner described below. This means that once it has transmitted a copy of the receipt to the sender (with instructions to the sender to retain the receipt for his records), **RPost has no further need to retain any data concerning the message or its delivery and may expunge all such records from its system. Thus, RPost does not keep a copy of the original message or the receipt.** *Tomkow*, p. 25, ll. 6-12 (emphasis added).

Therefore, no information about the electronic message is stored at a system as disclosed in *Tomkow*. Further details related to the disclosure of *Tomkow* are included in the Reply and Amendment under 37 C.F.R. 1.116 filed on April 24, 2009, which is incorporated herein by reference.

Fabre and *Tomkow* alone and in proper combination fail to disclose or suggest, “comparing said identification data received in said confirmation request to said stored identification data; and upon determining that said identification data received in said confirmation request matches said stored identification data, responding to said confirmation request, affirming said electronic message was authorized by the originator,” as recited in independent claim 31. Indeed, as discussed above and during the interview, *Fabre* and *Tomkow* are utterly silent with respect to an affirmation that an electronic message was authorized by an originator. Additionally, it is clear that the system and method disclosed in *Tomkow* are incapable of providing such an affirmation. See, e.g., *Tomkow*, p. 42, ll. 6-12 (“the system can warrant that . . . the e-mail **purported** to be from a certain sender”) (emphasis added). Moreover, *Fabre* neither receives confirmation requests nor affirms that electronic messages were authorized by an originator. Rather, as discussed above and during the interview, the system and method disclosed in *Fabre* serve as an electronic mail logging relay between two parties to electronic mail communication. Furthermore, as discussed above and during the interview, both *Fabre* and *Tomkow* are silent with respect to storage of information related to an electronic mail communication sufficient to determine that an electronic message was authorized by an originator.

As discussed during the interview, independent claims 47, 62, 69, and 76 include recitations similar to that quoted above from independent claim 31. Independent claim 47 recites, “upon determining that said identification data received in said confirmation request matches said stored identification data, respond to said confirmation request, affirming said electronic message was authorized by the originator.” Independent claim 62 recites, “upon determining that said data store does not contain said identification data, responding to said confirmation request, denying the electronic message was authorized by the originator.” Independent claim 69 recites, “upon determining that said data store does not contain said identification data, responding to said confirmation request, denying the electronic message was

authorized by the originator.” Independent claim 76 recites, “receiving a response to said first confirmation request affirming said first electronic message was authorized by the originator” *Fabre and Tomkow* alone and in proper combination fail to disclose or suggest such limitations for at least the reasons discussed above in relation to independent claim 31.

Accordingly, the Applicant respectfully submits that, for at least the reasons stated above, independent claims 31, 47, 62, 69, and 76 and, thus, their dependent claims, are allowable. Therefore, the Applicant respectfully requests that the rejections of claims 31-51, 53-79, and 81-84 under 35 U.S.C. § 103(a) be withdrawn.

New Claims 85-88 are Allowable

New claims 85-88 depend from independent claims 31, 62, 69 and 76, respectively, which are allowable as discussed above. Accordingly, the Applicants respectfully submit that, for at least this reason, new claims 85-88 are allowable.

Conclusion

In view of the foregoing, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that such rejections be withdrawn. The Applicant believes that a full and complete response has been made to the outstanding office action and thus that the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

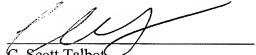
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